**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929**

**WP(C).No. 17929 of 2004(H)**

**PETITIONER:**

**V.L.MOHANAN, JEEVA HOME,**
**THAREBAGAM, COCHIN-5.**

**BY ADV. SRI.M.S.UNNIKRISHNAN**

**RESPONDENTS:**

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **REGIONALL TRANSPORT OFFICER, ERNAKULAM.**

3. **DEPUTY TAHSILDAR (R.R), TALUK OFFICE, COCHIN-1.**

4. **VILLAGE OFFICER, RAMESWARAM VILLAGE.**

5. **SHYLA, W/O.RAJEEVAN, 'SANTHINIKETHAN', PAMPANI MOOLA, EDACOCHIN-6.**

**BY ADV. SRI.S.NIRMAL KUMAR --- R5**
**GOVERNMENT PLEADER SMT. K.R.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 17929/2004 H**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE SALE AGREEMENT DT. 12/5/99 EXECUTED BETWEEN THE PETITIONER AND R5.**

**EXT.P2. COPY OF THE POSTAL RECEIPT DT. 4/10/99.**

**EXT.P3. COPY OF THE POSTAL RECEIPT DT. 22/5/00 SHOWING RECEIPT OF THE NOTICE TO R2.**

**EXT.P3A. COPY OF THE ACKNOWLEDGEMENT CARD DT. 22/5/00 SHOWING RECEIPT OF THE NOTICE TO THE R2.**

**EXT.P5. COPY OF THE DEMAND NOTICE DT. NIL UNDER SEC. 34 OF RR ACT.**

*True copy*

*tga*

**KURIAN JOSEPH, J.**

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**W.P. (C). NO. 17929 OF 2004**

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**Dated this the 18th day of July, 2007.**

**J U D G M E N T**

Petitioner approached this Court aggrieved by the recovery steps in respect of the motor vehicle tax arrears for the vehicle bearing No. KEH 5292.

2. According to the petitioner, vehicle had already been transferred to the 5th respondent in 1999 and necessary forms were also submitted before the 2nd respondent. Learned Government Pleader submits that pursuant to the interim order dated 21.12.2005, steps are being taken to proceed against the 5th respondent.

Therefore, this writ petition is disposed of making it clear that it will be open to the petitioner to approach the 2nd respondent for refund of tax in case any excess amounts have been collected from the petitioner.

**KURIAN JOSEPH, JUDGE.**

smp